

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARCUS THURMAN,

Plaintiff,

v.

**COUNTY COMMISSIONERS OF
OKLAHOMA COUNTY et al.,**

Defendants.

Case No. CIV-17-950-G

ORDER

This matter comes before the Court for review of the Report and Recommendation (Doc. No. 75) issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Erwin recommends that the unidentified defendant named in the Complaint as “Unknown Oklahoma University Medical Center Radiologist” be dismissed with prejudice based upon the expiration of the statute of limitations.

Plaintiff has not filed a written objection to the Report and Recommendation within the allotted time period. Judge Erwin specifically informed Plaintiff of his right to object and the consequences of failing to do so. *See* R. & R. at 4-5. Upon review, the Court concludes that Plaintiff has waived further review of all issues addressed in the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Plaintiff has, however, filed a motion requesting additional time to serve the unidentified radiologist (Doc. No. 77) and a motion seeking clarification regarding the status of that motion for extension of time (Doc. No. 79). Having reviewed the motions,

the Court determines that nothing in Plaintiff's requests alters Judge Erwin's finding that the statute of limitations has run as to the unidentified radiologist.

IT IS THEREFORE ORDERED that the Report and Recommendation (Doc. No. 75) is ADOPTED, and Defendant Unknown Oklahoma University Medical Center Radiologist is DISMISSED with prejudice. Plaintiff's Motion for Extension of Time (Doc. No. 77) and Motion for Clarification (Doc. No. 79) are DENIED as moot.

IT IS SO ORDERED this 12th day of August, 2020.



CHARLES B. GOODWIN
United States District Judge